

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANGELO BROWN,

Plaintiff,

v.

LEBANON COUNTY PRISON,

Defendant.

No. 4:21-CV-1432

(Chief Judge Brann)

(Magistrate Judge Carlson)

**ORDER**

**OCTOBER 19, 2021**

Plaintiff filed the instant action on August 18, 2021, and it was jointly assigned to the undersigned and to a magistrate judge. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”<sup>1</sup> Once filed, this report and recommendation is disseminated to the parties in the case, who then have the opportunity to file written objections.<sup>2</sup>

On August 24, 2021, Magistrate Judge Martin C. Carlson, to whom this matter is jointly assigned, issued a thorough report and recommendation recommending that Plaintiff’s complaint be dismissed without prejudice.<sup>3</sup>

---

<sup>1</sup> 28 U.S.C. § 636(b)(1)(B).

<sup>2</sup> *Id.* § 636(b)(1).

<sup>3</sup> Doc. 6.

No objections to the report and recommendation have been filed. For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”<sup>4</sup> Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.<sup>5</sup>

Because this discussion is intended solely for the parties, the Court will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. The Court has conducted a de novo review here and has found no error.

**AND NOW, IT IS HEREBY ORDERED** that:

1. Magistrate Judge Carlson’s Report and Recommendation, Doc. 6, is **ADOPTED** in full.
2. Plaintiff’s complaint is **DISMISSED** without prejudice.
3. If desired, Plaintiff may file an amended complaint on or before November 16, 2021. If no amended complaint is timely filed, the Court will close this case.

---

<sup>4</sup> FED. R. CIV. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that judges should give some review to every report and recommendation)).

<sup>5</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

4. If Plaintiff desires to proceed *in forma pauperis*, he must comply with this Court's August 18, 2021 Order, Doc. 5, explaining how to apply for *in forma pauperis* status. Otherwise, he must submit the filing fee in the full amount of \$402.00 to the Clerk of Court.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge